

The House Committee on Judiciary Non-civil offers the following substitute to HB 653:

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to bombs, explosives, and chemical and biological weapons, so as to expand the crime of hoax devices; to increase penalties for hoax devices; to provide for additional restitution as it relates to hoax devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to bombs, explosives, and chemical and biological weapons, is amended by revising Code Section 16-7-85, relating to hoax devices, as follows:

"16-7-85.

(a) It shall be unlawful for any person to manufacture, possess, transport, distribute, place, or use a hoax device or replica of a destructive device or detonator with the intent to cause another to believe that such hoax device or replica is or contains a destructive device or detonator.

(b) Any person convicted of a violation of this Code section shall be punished by imprisonment for not less than one nor more than ~~one year~~ five years or by a fine of not more than \$10,000.00 or both or, if the defendant is a corporation, a fine of not less than \$1,000.00 or not fewer than 500 hours of community service or both for each such hoax device or replica; provided, however, that if such person communicates or transmits to another that such hoax device or replica is a destructive device or detonator with the intent to obtain the property of another person or to interfere with the ability of another person to conduct or carry on the ordinary course of business, trade, education, or government, such violation shall be punished by imprisonment for not less than one year nor more than five years or by a fine of not more than \$25,000.00 or both or, if the defendant is a

1 corporation, a fine of not less than \$50,000.00 or not fewer than 1,000 nor more than
2 10,000 hours of community service or both for each such hoax device or replica.

3 (c) For purposes of imposing restitution pursuant to Chapter 14 of Title 17 when a person
4 is convicted pursuant to this Code section, the court shall consider damages to include any
5 reasonable cost incurred or financial loss suffered by local, county, or state public safety
6 agencies, and profit or nonprofit entities, that provide emergency assistance to an incident
7 or investigation resulting from a violation of this Code section. Such damages shall include
8 but not be limited to the provision of police, fire-fighting, rescue, and emergency medical
9 services and the salaries of such persons who respond to such incident."

10 **SECTION 2.**

11 All laws and parts of laws in conflict with this Act are repealed.